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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status, the Union of Arab Jurists, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Observance by the Human Rights Council of the International Year of Solidarity with the Palestinian people **

Addressing continuing grave breaches of international law by the occupying power*

This written statement is submitted to the Human Rights Council with the intention to assist the Council in intensifying its work in support of Palestinian Rights and strengthen the engagement by Member States under Item 7 of the Councils agenda during the remaining months of the International Year of Solidarity with the Palestinian people.

In November 2013 the UN General Assembly designated 2014 as the International Year of Solidarity with the Palestinian people. The aim was to promote solidarity, contribute to international awareness of core themes of the question of Palestine.

Resolution 68/12[1] by which the year of solidarity with the Palestinian people was adopted came after years of futile diplomacy and disregarded UN declarations, resolutions and recommendations that failed to end Israel's illegal military occupation and war crimes. Until this day Israel continues to violate international law with impunity, notably the fourth Geneva conventions, which hold that occupation is only a temporary situation[2], that the occupant does not acquire sovereignty over the territory and that re-establishing the full and free exercise of sovereignty will normally end the state of occupation.

Contrary to these requirements the prolonged occupation of Palestine goes with annexationist, colonialist and ethnic-cleansing goals, especially in relation to the West Bank, including East Jerusalem. Its hallmark is the determined pursuit of settlement construction and expansion in the West Bank, including East Jerusalem.[3] The absence of morality and the cynical, calculating nature of Israel's ethnic cleansing and creeping land-grab involves a wide range of human rights violations, including the persistent denial of the right to self-determination to the Palestinian people.

Israel's colonization of Palestinian land is not only a grave violation of international law, but seems conceived specifically to humiliate the Palestinian people. Palestinians are daily confronted with road-blocks in their own land, heavy restrictions on movement, including impeded access to education, emergency health services and water supply, accompanied by daily harassment and violence by settlers and property taken from them at will and with impunity. The ongoing attrition of enforced evictions in which Palestinian families are ordered to leave their homes in sudden, early-morning raids to make way for Israeli settlers are part of it.

Despite the authority of international law and the resolutions of the United Nations, the situation is essentially frozen and even deteriorating. Palestinians are increasingly frustrated by the lack of action from the international community against the persistent non-compliance of the occupying power with international law and in particular Israel's creeping annexation of Palestinian land through colonial settlement expansion.

Settlements

The 1949 fourth Geneva Convention govern the treatment of civilians during wartime in territory under military occupation. The convention outlaws torture, collective punishment and the resettlement by an occupying power of its own civilians on territory under its military control. Transfers of the civilian population of the occupying power into the occupied territory, regardless whether forcible or voluntary are hence prohibited. Israel rejects that the convention applies to its settlements in the occupied Palestinian territories (oPt), yet a 1999 resolution passed by the States parties to the Fourth Geneva Convention unanimously found that the Fourth Geneva Conventions do apply to these settlements.

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* This report prepared by Geneva International Centre for Justice (GICJ)

1 http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/1860b97af34a2b2e85257c6100582b4c?OpenDocument

2 http://www.icrc.org/eng/resources/documents/misc/634kfc.htm

3 Compare report A/HRC/25/67, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk

The ongoing expansion of settlements in the oPt therefore is a war crime that falls into the provision of Article 8 of the International Criminal Court statutes. Yet, despite abundant condemnation the international community has so far effectively failed to hold Israel accountable and enforce compliance with basic principles of law. Israel's crimes have continued with impunity. While blinding the world with an alleged readiness to make "painful compromises," the occupying power expanded settlements in an unprecedented haste, obviously playing for time in order to annex a maximum of Palestinian land in a minimum of time.

Although article 53 of the fourth Geneva Convention holds that destruction by the Occupying Power of real or personal property is prohibited, demolitions across Area C and East Jerusalem accelerated throughout the time of peace talks, with a 43 percent rise in demolitions and a 74 percent rise in displacement compared to the same period in 2012[4]. During the 9 months of negotiations thus a total of 567 Palestinian homes were demolished and Israeli occupation forces confiscated more than 14,000 acres of lands owned by Palestinian citizens, only to register them with names of Jewish Settlement companies.[5]

Meanwhile international and local aid organizations faced increasingly severe restrictions in responding to the needs created by the unlawful demolition, in a further violation of article 49 of the fourth Geneva Convention, stating that the Occupying Power undertaking transfers or evacuations shall ensure, to the greatest practicable extent that proper accommodation is provided to receive the protected persons.

During the same period, the Israeli Government promoted plans and tenders for at least 13,851 housing units in the settlements and East Jerusalem – an average of 50 units per day and 1,540 units per month. These units include tenders for 4,868 units – 2,248 of them in West Bank settlements and 2,620 units in East Jerusalem.[6] The blueprints and structures for Israeli settlements, and tenders for the construction of about 13851 housing units, thus were about four times higher than what had been announced before the negotiations.[7]

The separation barrier

Another serious feature of Israel's creeping land annexation at the expense of Palestinians is the ongoing construction of the separation barrier, far beyond the Green Line. On 9 July 2004 the International Court of Justice held that Israel's building of a wall in the Occupied Palestinian Territory is illegal and must stop immediately[8], noting that combined with the Israeli settlements, the barrier alters the demographic composition of the occupied Palestinian territory and impedes the Palestinians' right to self-determination. Israel should make reparations for any damage caused by its erection, the judges ruled, stop construction immediately and dismantle the sections of the barrier that have already been built.

The refusal of Israel to implement this assessment of international law by the highest judicial body of the United Nations is cause for serious concern. Ten years later the construction continues and Israel maintains on its website a map of 30 April 2006 showing its revised route. [9] The full route is 422 miles of zigzagging curves and loops, making it more than twice as long as the 199-mile-long Green Line.[10] The evolution of this structure and its impact on the lives of those it is designed to keep out of Israel, have been widely described. Thousands of Palestinians have difficulty reaching their fields and the damage to the agricultural sector means that Palestinian farmers cannot get supplementary

4 Settlement Watch, Peace Now, 29/4/14,
http://peacenow.org.il/eng/sites/default/files/9%20months%20settlements%20summary%20280414.pdf

5 Middle East Monitor, https://www.middleeastmonitor.com/news/middle-east/11529-israel-demolished-567-homes-during-last-round-of-negotiations

6 Settlement Watch, Peace Now, 29/4/14,
http://peacenow.org.il/eng/sites/default/files/9%20months%20settlements%20summary%20280414.pdf

7 Middle East Monitor, https://www.middleeastmonitor.com/news/middle-east/11529-israel-demolished-567-homes-during-last-round-of-negotiations

8 UN News Centre: International Court of Justice finds Israeli barrier in Palestinian territory is illegal
http://www.un.org/apps/news/story.asp?NewsID=11292&#.U3s3Efl_t8F

9 Compare Report A/HRC/25/67, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk

10 http://america.aljazeera.com/articles/2014/3/12/visual-activism-activestillsphotographsthebarrierwall.html

income and makes it impossible to increase the number of workers in what is the primary sector of Palestinian economy.[11]

Economy

The Palestinian economy would expand by more than a third if Israeli restrictions on movement, land access and water use are lifted in the majority of the occupied West Bank that remains under full Israeli control, a report issued by the World Bank in 2013 held. "More than half the land in the West Bank, much of it agriculture and resource rich is inaccessible to the Palestinians," the r ort said. "Without the ability to conduct purposeful economic activity in area C, the economic space of the West Bank will remain crowded and stunted, inhabited by people whose daily interactions with the state of Israel are characterized by inconvenience, expense and frustration."[12]

At the end of 2012, sixty Palestinian communities were still compelled to use detours that are 2 to 5 times longer than the direct route to the closest city. "The total potential value added for alleviating today's restrictions on the access to and activity and production in area C is likely to amount to $3.4bn or thirty five per cent of Palestinian GDP in 2011," the report said. It estimated that Palestinian unemployment would shrink by more than a third if the strictures were eased and that the need for foreign donor support would be reduced."[13]

Arbitrary detention

Expansion of settlements, demolitions, the separation barrier and economic restrictions are no isolated events. Their commission mirrors systematic and discriminatory Israeli policies, laws and practices, affecting Palestinian human rights on all levels, including children.

Israel continues use arbitrary detention of Palestinian civilians for up to 6 months without trial and the detention orders. These detentions can be extended indefinitely for additional 6-month periods. In practice, however, many have been detained for much longer periods, some up to or over 7 years.[14] As of March 1st 2014, 5,224 Palestinians were detained by Israel, including 210 under the age of 18, and 183 held under Israeli administrative detention orders, without charge or trial. The conviction rate for Palestinians in Israeli military courts was 99.74 percent in 2010.[15]

The situation is extremely severe when it comes to number of Palestinian children held in detention. Against international regulations the number of Palestinian children held in solitary confinement and subjected to harsh interrogation and general mistreatment in Israeli prisons was increasing by 2 percent in 2013, compared to the previous year. The average number of Palestinian children in Israeli military detention at the end of each month during 2013 was 199. Over 76.5 percent of Palestinian children detained in Israeli prisons experienced some form of physical violence and 98 percent were not informed of the reason for the arrest.

Unlike Israeli children living in illegal settlements in the occupied West Bank, Palestinian children are not accompanied by a parent and are interrogated without the benefit of legal advice, or being properly informed of their right to silence.[16] After sentencing, around 50 to 60 percent of Palestinian child detainees are transferred from occupied territory to prisons inside Israel in another violation of the Fourth Geneva Convention. The practical consequence of this is that many of them receive either limited or no family visits due to freedom of movement restrictions.

Conclusion

The international community is obliged by international law and United Nations resolutions to hold Israel accountable and not to condone Israeli violations anymore. Israel's overt and furtive annexation of Palestine is also the annexation of Palestinian dignity, rights and freedoms. However, it is not only the people of Palestine who are injured; all are the losers when international law is cynically and deliberately abused and neglected.

However during 2013 and during 2014, the year when the international community as a whole was expected to intensify its work for Palestinian rights, the credibility and effectiveness of the Human Rights Council has been undermined by the boycott of Item 7 on the adopted agenda of the Council by regional and political groups of states as a result of agreements with the occupying power.

In view of this disturbing development we call on the Human Rights Council and all UN Member States:

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11 http://www.btselem.org/separation_barrier/map

12 http://www.independent.co.uk/news/world/middle-east/israel-stifles-palestinian-growth-says-world-bank-8867325.html

13 http://www.independent.co.uk/news/world/middle-east/israel-stifles-palestinian-growth-says-world-bank-8867325.html

14http://www.un.int/wcm/content/site/palestine/cache/offonce/pid/11609;jsessionid=099EECCE67262BDAE3649318C1A41625

15 http://webapps.aljazeera.net/aje/custom/2014/prisonerday/index.html

16 http://www.dci-palestine.org/sites/default/files/report_doc_solitary_confinement_report_2013_final_29apr2014.pdf

1. To use the International Year of Solidarity with the Palestinian People as an opportunity to strengthen HRC work on Palestine and not reduce it by undermining Item7 of the HRC agenda.
2. To take appropriate actions to urge all regional and political groups to participate under Item 7 and all states that are not represented by regional and political groups to speak under Item 7 at the 26th session of the Council.
3. To encourage the HRC President and High Commissioner to undertake a high level effort to bring all regional groups back to Item 7.
4. To work for the Council to adopt a resolution in support of the International Year of Solidarity with the Palestinian People and decide to hold a panel discussion on Palestinian Rights and observance of the International Year of Solidarity with the Palestinian People during the 27th session of the HRC, including with the new special rapporteur.

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* Geneva International Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association- UK, Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in the Islamic Republic of Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way,

San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista-Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme NGO(s) without consultative status, also share the views expressed in this statement.